

1 WILLIAM BLUMENTHAL  
2 General Counsel

3 JOHN F. DALY  
4 Deputy General Counsel - Litigation

5 JOHN ANDREW SINGER  
6 Attorney - Office of the General Counsel  
7 Federal Trade Commission  
8 600 Pennsylvania Ave., NW  
9 Washington, DC 20580  
Telephone: (202) 326-3234  
Facsimile: (202) 326-2447  
Email: jsinger@ftc.gov

10 ATTORNEYS FOR FEDERAL  
11 TRADE COMMISSION

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15	_____	)	
16	THE BILLING RESOURCE d/b/a INTEGRETTEL,	)	
17	Debtor-Plaintiff-Appellee,	)	No. 5:07-CIV-5758-RMW
18	v.	)	Date: December 21, 2007
19	FEDERAL TRADE COMMISSION et al.,	)	Time: 9:00 a.m.
20	Defendant-Appellant.	)	Place: 280 S. First Street
21	_____	)	San Jose, CA
		)	Judge: Hon. Ronald M. Whyte
		)	Courtroom: 6 - 4th Floor

22 On Appeal from the United States Bankruptcy Court for the Northern District  
23 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

24 **DEFENDANT-APPELLANT FEDERAL TRADE COMMISSION'S N.D. CAL. L.R. 6-1 AND**  
25 **FED. R. BANKR. P. 9006 MOTION TO SHORTEN BRIEFING SCHEDULE AND**  
26 **ACCELERATE HEARING DATE FOR ITS COMBINED MOTIONS FOR STAY**  
27 **PENDING APPEAL AND FOR CHANGE OF VENUE PURSUANT TO 28 U.S.C. § 1412**  
28

1 Defendant-appellant the Federal Trade Commission ("Commission"), pursuant to N.D. Cal.  
2 L.R. 6-1 and Fed. R. Bankr. P. 9006, hereby moves to shorten the briefing schedule and accelerate the  
3 hearing date for its combined motions for stay pending appeal and for change of venue pursuant to 28  
4 U.S.C. § 1412. In support of its motion, the Commission states the following:  
5

6 1. Debtor-Plaintiff-appellee The Business Resource dba Integretel ("Integretel") is a  
7 defendant in a civil law enforcement action pending in the United States District Court for the Southern  
8 District of Florida (the "Florida District Court"), *FTC v. Nationwide Connections, Inc.*, No. 06-CV-  
9 80180-Ryskamp/Vitunac (S.D. Fla.) (the "Enforcement Action"). Integretel was an instrumental player  
10 in a telephone billing "cramming" scheme that bilked consumers over \$30 million for bogus long  
11 distance charges. Integretel aggregated approximately \$5 million of these charges and placed them on  
12 consumers' monthly telephone bills.  
13

14 2. The preliminary injunction that is the subject of this appeal enjoins the Commission  
15 from prosecuting its Enforcement Action with regard to Integretel through March 14, 2008. Trial in the  
16 Enforcement Action is set for February 25, 2008. The Commission's motion for stay pending appeal  
17 requests that this Court stay the effect of the preliminary injunction so that Integretel must participate in  
18 the Enforcement Action trial as scheduled.  
19

20 3. While addressed fully in the Commission's memorandum in support of its combined  
21 motion for a stay pending appeal and for a change of venue, a stay pending appeal should be issued by  
22 this Court because injunctions of law enforcement actions are disfavored, the Commission and the  
23 public will be irreparably harmed if the trial in the Enforcement Action is delayed and the Commission  
24 is not able to promptly bring Integretel (and possibly the other 13 defendants in the Enforcement  
25 Action) under a permanent injunction. In addition, Integretel will not be irreparably harmed by the  
26  
27  
28

1 Commission's requested stay pending appeal.

2 4. Due to the trial date in the Enforcement Action, time is of the essence and a prompt  
3 resolution of the Commission's contemporaneously filed motion for a stay pending appeal is critical so  
4 that Integretel, if the stay is granted, has adequate time to prepare for the trial. A delayed ruling on the  
5 stay motion, even if the Court ultimately resolves the motion in the Commission's favor, will be a  
6 pyrrhic victory if it is too close to the trial date to permit Integretel to prepare for trial.  
7

8 5. Prompt resolution of the Commission's motion to change the venue of this adversary  
9 proceeding to the Southern District of Florida also is critical. This is particularly so if this Court  
10 chooses to grant the motion to change venue and then defers to the transferee court the decision whether  
11 to grant the Commission's motion for a stay pending appeal.  
12

13 6. Absent the requested Order, any opposition's to the Commission's combined motions  
14 for a stay pending appeal and for a change of venue, any oppositions to the motions would be due on  
15 December 3, 2007, Fed. R. Bankr. 8011(a), 9006(a) and (f) (seven business days to respond to the  
16 motions plus three days for mailing) and the earliest possible hearing date would be December 21,  
17 2007, N.D. Cal. L.R. 7-2(a).  
18

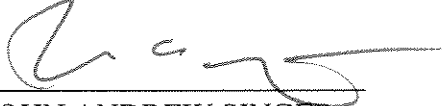
19 7. Specifically, the Commission moves that:  
20

- 21 a. Any opposition to the Commission's combined motions for a stay pending appeal  
22 and for a change of venue be filed and served not later than November 29, 2007;  
23  
24 b. The Commission be required to file and serve its reply, if any, by December 4,  
25 2007;  
26  
27 c. Service may be made electronically; and  
28  
c. The Hearing on this motion, if any, be heard on December 7, 2007.

1 Respectfully submitted,

2 WILLIAM BLUMENTHAL  
3 General Counsel

4 JOHN F. DALY  
5 Deputy General Counsel - Litigation

6   
7  
8 JOHN ANDREW SINGER  
9 Attorney - Office of the General Counsel  
10 Federal Trade Commission  
11 600 Pennsylvania Ave., NW  
12 Washington, DC 20580  
13 Telephone: (202) 326-3234  
14 Facsimile: (202) 326-2447  
15 Email: jsinger@ftc.gov

16 MICHAEL MORA  
17 JULIE MACK  
18 Attorney - Division of Enforcement  
19 Bureau of Consumer Protection

20 ATTORNEYS FOR FEDERAL  
21 TRADE COMMISSION  
22  
23  
24  
25  
26  
27  
28